

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

JAIME AIRD,

Defendant.

)
)
)
)
)
)
)

CRIMINAL NO. 98-0057-WS

ORDER

This matter comes before the Court on defendant Jaime Aird's filing styled "Notice of Appeal" (doc. 130).

On October 16, 2017, the undersigned entered an Order (doc. 122) denying Aird's "Motion Pursuant to Federal Rules of Civil Procedure, Rule 60(b)(6)" (doc. 121) and denying Aird leave to appeal *in forma pauperis* based on an express determination that any appeal would be frivolous. Aird appealed anyway, and renewed his IFP motion on appeal; however, the Eleventh Circuit issued an Order on January 30, 2018, specifically finding that "Aird does not have a non-frivolous issue with respect to the dismissal of his construed § 2255 motion, and therefore, Aird's motion for leave to proceed IFP is denied." (Court of Appeals Docket # 17-14858.) On March 6, 2018, the Eleventh Circuit entered a dismissal of Aird's appeal for want of prosecution based on his failure to pay filing and docketing fees within the time fixed by the rules. Two days later, the District Court Clerk of Court received yet another IFP application (doc. 128) from Aird, which this Court summarily denied on March 9, 2018. (*See* doc. 129.)

Now Aird files what he calls a "Notice of Appeal" seeking to appeal the March 9 Order denying him IFP status on appeal. It is unclear what he is asking because there is no relief available to him. He has already appealed and lost on appeal. Here's the fundamental problem: Aird's request to proceed on appeal *in forma pauperis* with regard to the October 16 Order denying his purported 60(b)(6) Motion has already been denied three times, twice by this Court and once by the Eleventh Circuit Court of Appeals. His underlying appeal of the October 16 Order was dismissed by the Eleventh Circuit six weeks ago. There are no pending appellate proceedings to which any IFP application filed by Aird might relate at this point. And the

appeals court has already ruled unequivocally that Aird cannot proceed *in forma pauperis* as to his appeal of the October 16 Order because his appeal was frivolous. So appealing this Court's March 9 Order denying him *in forma pauperis* status would be pointless and wasteful because (i) the Eleventh Circuit has already denied him IFP status as well, and (ii) the appeal to which his request for IFP status relates has already been dismissed, so there is no longer anything to appeal.

In light of these circumstances, it is unclear what the purpose or intent of Aird's filing might be. If he feels the Eleventh Circuit's rulings in this case are incorrect in some way, then his recourse is to follow up with an appropriate filing in that court as to the appeal he previously took from the October 16 Order. Insofar as Aird's "Notice of Appeal" (doc. 130) may be construed as a request for relief from this District Court, that request is **DENIED**.

DONE and ORDERED this 17th day of April, 2018.

s/ WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE